



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/751,662	12/29/2000	Kim L. Richardson	MARY/006/DHE	8893
7590 11/30/2004				
Douglas H. Elliott THOMASON, MOSER & PATTERSON, L.L.P. 3040 Post Oak Blvd., Suite 1500 Houston, TX 77056				
EXAMINER PASS, NATALIE				
ART UNIT 3626		PAPER NUMBER		

DATE MAILED: 11/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/751,662

Examiner

Natalie A. Pass

Applicant(s)

RICHARDSON, KIM L.

Art Unit

3626

WU

The MAILING DATE of this communication appears on the cover sheet with the correspondence address -- Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 December 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 1/25/02
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

Notice to Applicant

1. This communication is in response to the application filed 29 December 2000. Claims 1-29 are pending.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-4, 7-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over "Crisis, Grief and Healing" web pages, February 4, 1998, URL:
<<http://web.archive.org/web/19980204184657/www.webhealing.com/>>, hereinafter known as Crisis, in view of "NFDA Online" web pages, February 4, 1998, URL:
<<http://web.archive.org/web/19980204094950/http://www.nfda.org/>>, hereinafter known as NFDA, and "Angels Online Memorial Pages" web pages, February 6, 1998, URL:
<<http://web.archive.org/web/19980206233107/http://www.lastingmemories.com/>>, hereinafter known as Angels.
-

(A) As per claim 1, Crisis teaches a method of maintaining a memorial site on a funeral home web site, comprising:

(a) providing for the posting without charge of a memorial page, the memorial page corresponding to a deceased individual, the memorial page including a photograph of the deceased individual and identifying text (Crisis; see at least page 3, paragraphs 1-3).

Although Crisis teaches a method of maintaining a memorial site Crisis fails to explicitly disclose a method on a funeral home web site.

However, the above features are well-known in the art, as evidenced by NFDA.

In particular, NFDA teaches a method on a funeral home web site (NFDA; pages 3-5).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the method of Crisis to include doing so on a funeral home web site, as taught by NFDA, with the motivations of allowing funeral homes to positively project their hard-earned reputations and enhance their professional images, including aiding those grieving within the community by allowing their web pages to be visited by thousands of individuals (NFDA; page 3, paragraphs 2-3, 10).

Crisis fails to explicitly disclose a method including

(b) providing for a payment option symbol on the memorial page or on a different web page linked to the memorial page, such that the payment option symbol can be activated to provide one or more payments for maintaining the memorial page.

However, the above features are well-known in the art, as evidenced by Angels.

In particular, Angels teaches a method including

(b) providing for a payment option symbol on the memorial page or on a different web page linked to the memorial page, such that the payment option symbol can be activated to provide one or more payments for maintaining the memorial page (Angels; pages 1, 4, 7, 10).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the method of Crisis to include providing for a payment option symbol on the memorial page or on a different web page linked to the memorial page, such that the payment option symbol can be activated to provide one or more payments for maintaining the memorial page, as taught by Angels, with the motivations of providing an easy, appropriate method for preserving a service that provides a unique way of spanning the globe to bring friends and family together at one virtual site to honor their loved ones (Angels; page 2).

(B) As per claims 2-4, 7-9, Crisis, NFDA, and Angels teach a method as analyzed and discussed in claim 1 above

wherein the payment option symbol includes a hyperlink or a button directing the viewer to a payment page including one or more fields for inputting credit card information to provide payment for maintaining the memorial page (Angels; pages 1, 4, 7, 10);

wherein the payment option symbol is located on the memorial page and invites the viewer to pay to maintain the memorial page as a tribute to the deceased individual or as a gift to the family of the deceased (Angels; pages 1, 4, 7, 10, 14-15);

wherein the different web page linked to the memorial page is a guest register page or a condolences page, by which a guest to the memorial page is able to (a) register his or her visit to

the memorial page or transmit condolences to the family and (b) activate the payment option symbol (Angels; pages 1, 4, 7, 10, 14-15);

in which either (a) the funeral home posts the memorial page without charge or (b) an outside entity posts the memorial page for the funeral home without charge (Crisis; see at least page 3, paragraphs 1-3), (NFDA; pages 3-5)

in which the identifying text includes the obituary of the deceased individual (Angels; pages 2, 11, 15); and

in which payment for maintaining the memorial page is made to an entity other than the funeral home (NFDA; pages 3-5).

The motivations for combining the respective teachings of Crisis, NFDA, and Angels are as given in the rejections of claim 1 above, and incorporated herein.

(C) Claim 10 differs from claim 1 in that it is a method of maintaining a memorial site that includes posting, transmitting and extending the memorials for predetermined time periods rather than a method of maintaining a memorial site.

As per claim 10, Crisis, NFDA, and Angels teach a method of maintaining a memorial site on a funeral home website, comprising:

(a) preparing a memorial site corresponding to a deceased individual (Crisis; see at least pages 4-9); (b) posting the memorial site for viewing on a funeral home website for a first predetermined time period (NFDA; pages 3-5), (Angels; pages 4, 14); (c) transmitting a request for payment to extend posting of the memorial site for a second predetermined time period

beyond the first predetermined time period (Angels; pages 4, 14); and (d) extending the posting of the memorial site for the second predetermined time period (Angels; pages 4, 14).

The motivations for combining the respective teachings of Crisis, NFDA, and Angels are as given in the rejections of claim 1 above, and incorporated herein.

(D) Claim 11 differs from claim 1 in that it is a method of maintaining a memorial site that includes posting, transmitting request for payment, deactivating the site, and extending the memorials rather than a method of maintaining a memorial site.

As per claim 11, Crisis, NFDA, and Angels teach a method of maintaining a funeral home website, comprising:

(a) posting a memorial site for on-line viewing on the funeral home website (Crisis; see at least pages 4-9), (NFDA; pages 3-5); (b) transmitting a request for payment after the memorial site is posted (Angels; pages 4, 14); (c) deactivating the memorial site in the event payment is not received (Angels; pages 4, 14); and (d) extending the posting of the memorial site in the event payment is received (Angels; pages 4, 14).

The motivations for combining the respective teachings of Crisis, NFDA, and Angels are as given in the rejections of claim 1 above, and incorporated herein.

(E) Claim 12 differs from claim 1 in that it is a method of maintaining a memorial site that includes posting a first or sample page, transmitting request for payment after the site is posted, posting a second memorial site, and deactivating the site if payment is not received.

As per claim 12, Crisis, NFDA, and Angels teach a method of maintaining a funeral home website, comprising:

(a) posting a first or sample memorial site corresponding to a deceased individual for on-line viewing of the first memorial site on the funeral home website (Angels; pages 4-5), (Crisis; see at least pages 4-9), (NFDA; pages 3-5); (b) transmitting a request for payment after the first memorial site is posted but not before the first memorial site is posted (Angels; pages 4, 14); (c) posting a second memorial site corresponding to the same deceased individual in the event the requested payment is received, wherein the second memorial site has either substantially the same or additional content as the first memorial site (Angels; pages 4, 14); and (d) deactivating the first memorial site in the event the requested payment is not received (Angels; pages 4, 14).

The motivations for combining the respective teachings of Crisis, NFDA, and Angels are as given in the rejections of claim 1 above, and incorporated herein.

(F) As per claims 13-17, Crisis, NFDA, and Angels teach a method as analyzed and discussed in claim 10 above

wherein the memorial site is posted on the funeral home website for the first predetermined period of time at no charge to the family of the deceased individual (Crisis; see at least page 3, paragraphs 1-3), (NFDA; pages 3-5), (Angels; page 4);

wherein the memorial site posted on the funeral home website for the first predetermined period of time includes a narrative containing a personal history of the deceased individual and at least one photograph (Crisis; see at least page 3, paragraphs 1-3), (NFDA; pages 3-5);

wherein the narrative containing a personal history of the deceased individual is more extensive than the personal history contained in that individual's newspaper obituary (Crisis, page 2, paragraph 2, pages 10-11, 13-17);

wherein the memorial site posted on the funeral home website for the first predetermined period of time includes two or more photographs that include the deceased individual (Crisis; see at least page 3, paragraphs 1-3), (NFDA; pages 3-5), (Angels; page 2); and

wherein the request for payment is transmitted via email (Angels; pages 14).

The motivations for combining the respective teachings of Crisis, NFDA, and Angels are as given in the rejections of claim 1 above, and incorporated herein.

(G) As per claims 21-24, Crisis, NFDA, and Angels teach a method as analyzed and discussed in claim 10 above

wherein the memorial site is deactivated after the predetermined time period in the absence of payment (Angels; pages 4, 14);

additionally comprising the step of receiving payment (Angels; pages 4, 10, 14);

wherein payment is received electronically (Angels; pages 4, 10, 14); and

wherein payment is received by transmission of credit card information (Angels; pages 4, 10, 14).

(H) As per claims 25-26, 29, Crisis, NFDA, and Angels teach a method as analyzed and discussed in claim 10 above

wherein the memorial site is deactivated after the first predetermined time period in the absence of payment, additionally comprising providing notification and the opportunity to renew (reads on data symbolic of time remaining for the memorial site to be deactivated) (Angels; pages 4, 14);

wherein the data symbolic of time remaining for the memorial site to be deactivated includes notification and the opportunity to renew (reads on a number representing the days left before the memorial site is to be deactivated or a number representing the date the memorial site is to be deactivated) (Angels; pages 4, 14); and

wherein the first predetermined time period is 30 days, 60 days, or 90 days (Angels; pages 4, 14).

4. Claims 5-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over "Crisis, Grief and Healing" web pages, February 4, 1998, URL:

<<http://web.archive.org/web/19980204184657/www.webhealing.com/>>, hereinafter known as Crisis, in view of "NFDA Online" web pages, February 4, 1998, URL:

<<http://web.archive.org/web/19980204094950/http://www.nfda.org/>>, herinafter known as NFDA, and "Angels Online Memorial Pages" web pages, February 6, 1998, URL:

<<http://web.archive.org/web/19980206233107/http://www.lastingmemories.com/>>, hereinafter known as Angels as applied to claim 1 above, and further in view of "Virtual memorials: online outlets for real-life mourning," March 26, 1998, URL:

<<http://web.archive.org/web/20000831080747/www.virtual-memorials.com/articles/cnn2.html>>, hereinafter known as Virtual.

(A) As per claim 5, Crisis, NFDA, and Angels teach a method as analyzed and discussed in claim 1 above.

Crisis, NFDA, and Angels fail to explicitly disclose a method additionally comprising receiving information relating to the deceased individual by facsimile and inputting some or all of the received information on the memorial page prior to posting the memorial page.

However, the above features are well-known in the art, as evidenced by Virtual.

In particular, Virtual teaches a method additionally comprising receiving information relating to the deceased individual by facsimile and inputting some or all of the received information on the memorial page prior to posting the memorial page (Virtual; page 1).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the method of Crisis, NFDA, and Angels to include additionally comprising receiving information relating to the deceased individual by facsimile and inputting some or all of the received information on the memorial page prior to posting the memorial page, as taught by Virtual, with the motivations of allowing rapid interaction and enablement of a Web site that reminds grieving people that they are not alone (Virtual; page 2).

(B) As per claim 6, Crisis, NFDA, Angels and Virtual teach a method as analyzed and discussed in claims 1 and 5 above

wherein the received information is transmitted by facsimile from the funeral home to an external location where the information is inputted and the memorial page is posted (NFDA; pages 3-5), (Virtual; page 1).

The motivations for combining the respective teachings of Crisis, NFDA, Angels and Virtual are as given in the rejections of claims 1 and 5 above, and incorporated herein.

5. Claims 18-20, 27-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over "Crisis, Grief and Healing" web pages, February 4, 1998, URL: <http://web.archive.org/web/19980204184657/www.webhealing.com/>, hereinafter known as Crisis, in view of "NFDA Online" web pages, February 4, 1998, URL: <http://web.archive.org/web/19980204094950/http://www.nfda.org/>, herinafter known as NFDA, and "Angels Online Memorial Pages" web pages, February 6, 1998, URL: <http://web.archive.org/web/19980206233107/http://www.lastingmemories.com/>, hereinafter known as Angels as applied to claim 10 above, and further in view of Official Notice.

(A) As per claims 18-20, Crisis, NFDA, and Angels teach a method as analyzed and discussed in claim 10 above.

Although Crisis, NFDA, and Angels teach wherein the request for payment is transmitted via email, Crisis, NFDA, and Angels fail to explicitly disclose a method

wherein the request for payment is transmitted to a user entering his or her name on the Guest Book or to a user entering information using the Condolences field or to a Family

Member.

However, requesting payment from participants in the use of a website is well-known in the art.

Examiner takes official notice that it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the method of Crisis, NFDA, and Angels to include wherein the request for payment is transmitted via email to a user entering his or her name on the Guest Book or to a user entering information using the Condolences field or to a Family Member, with the motivations of billing participants in the website in order to cover the costs of preserving a service that provides a unique way of spanning the globe to bring friends and family together at one virtual site to honor their loved ones (Angels; page 2).

(B) As per claims 27-28, Crisis, NFDA, and Angels teach a method as analyzed and discussed in claim 10 above.

Crisis, NFDA, and Angels fail to explicitly disclose a method

wherein the providing of data symbolic of time remaining for the memorial site to be deactivated is maintained automatically or

wherein the providing of data symbolic of time remaining for the memorial site to be deactivated is maintained by a system that includes a time clock.

However, automatic notifications and timed countdowns to expirations are well-known in the art.

Examiner takes official notice that it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the method of Crisis, NFDA, and Angels to include wherein the providing of data symbolic of time remaining for the memorial site to be

deactivated is maintained automatically or wherein the providing of data symbolic of time remaining for the memorial site to be deactivated is maintained by a system that includes a time clock, with the motivations of providing a more cost effective service that allows organizations and companies to honor members and co-workers (Angels; page 2).

Conclusion

The prior art made of record and not relied upon is considered pertinent to Applicant's disclosure. The cited but not applied article teaches the environment of online memorial pages.

Geser, H. Death Memorials and Remembrance Sites in the WWW. January 1998. Sociology in Switzerland website. [Retrieved on November 18, 2004]. Retrieved from Internet. URL: < http://socio.ch/intcom/t_hgeser07.htm>.

6. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington D.C. 20231

or faxed to: **(703) 305-7687.**


For informal or draft communications, please
label "PROPOSED" or "DRAFT" on the front page of
the communication and do NOT sign the
communication.

After Final communications should be labeled

"Box AF."

Hand-delivered responses should be brought to Crystal
Park 5, 2451 Crystal Drive, Arlington, VA, Seventh Floor
(Receptionist).

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Natalie A. Pass whose telephone number is (703) 305-3980. The examiner can normally be reached on Monday through Thursday from 9:00 AM to 6:30 PM. The examiner can also be reached on alternate Fridays.
8. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Thomas, can be reached at (703) 305-9588. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Receptionist whose telephone number is (703) 308-1113.
9. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Natalie A. Pass

November 19, 2004


ALEXANDER KALINOWSKI
PRIMARY EXAMINER